

ESTTA Tracking number: **ESTTA571133**

Filing date: **11/15/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Rangers Baseball LLC
Granted to Date of previous extension	11/17/2013
Address	1000 Ballpark Way Arlington, TX 76011 UNITED STATES
Attorney information	Scott P. Ceresia Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES SPC@CLL.COM, jmn@ccl.com, trademark@ccl.com Phone:2127909247

Applicant Information

Application No	85808308	Publication date	05/21/2013
Opposition Filing Date	11/15/2013	Opposition Period Ends	11/17/2013
Applicant	Santa Rosa Academy Incorporated 28237 La Piedra Road Menifee, CA 92584 CANADA		

Goods/Services Affected by Opposition

Class 016. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Binders; Blank journals; Book covers; Bumper stickers; Calendars; Day planners; Folders; Notepads; Paper pennants; Pencils; School yearbooks; Stickers; Writing tablets

Grounds for Opposition

Other	See attached pleading.
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Attachments	SANTA ROSA ACADEMY RANGERS - Notice of Opposition (with cover letter).pdf(113745 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Scott P. Ceresia/
Name	Scott P. Ceresia
Date	11/15/2013



Cowan, Liebowitz & Latman, P.C.
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November 15, 2013

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Rangers Baseball LLC,
Notice of Opposition Against
Santa Rosa Academy Inc.,
For Mark: SANTA ROSA ACADEMY RANGERS
Ref. No. 21307.036

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/808,308 published in the Official Gazette on May 21, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Scott P. Ceresia/
Scott P. Ceresia

Enclosures

cc: Ms. Diane Kovach (w/encs., via email)
Mary L. Kevlin, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/808,308

Filed: December 20, 2012

For Mark: SANTA ROSA ACADEMY RANGERS and Design

Published in the Official Gazette: May 21, 2013

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RANGERS BASEBALL LLC,	:
Opposer,	:
	:
v.	:
SANTA ROSA ACADEMY INC.,	:
Applicant.	:
-----X	

Opposition No.

NOTICE OF OPPOSITION

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Rangers Baseball LLC (“Opposer”), a Delaware limited liability company with offices at 1000 Ballpark Way, Arlington, Texas 76011, believes that it will be damaged by registration of the mark SANTA ROSA ACADEMY RANGERS and Design, as depicted here:



(“Applicant’s RANGERS Mark”) for “Binders; Blank journals; Book covers; Bumper stickers; Calendars; Day planners; Folders; Notepads; Paper pennants; Pencils; School yearbooks; Stickers; Writing tablets” in International Class 16 as shown in Application Serial No. 85/808,308 (the “Application”), and having been granted extensions of time to oppose up to and including November 17, 2013, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned TEXAS RANGERS MAJOR LEAGUE BASEBALL club (the “Club”).
2. Since long prior to December 20, 2012, Applicant’s constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark RANGERS, alone or with other words, including, without limitation, preceded by geographic terms such as TEXAS, letters and/or design elements (“Opposer’s RANGERS Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, binders, stickers, bumper stickers, pens, pencils, calendars, organizers, and notepaper; sporting goods and toys; paper goods and printed matter; and novelty items.
3. Opposer owns United States federal registrations for Opposer’s RANGERS Marks in International Classes 6, 9, 14, 16, 18, 21, 25, 28 and 41; namely, Registration Nos. 1,481,113, 1,608,247, 1,620,794, 1,853,871, 2,606,798, 2,648,604, 3,295,154, 3,295,155, 3,295,156, 3,295,157, 3,320,503, 3,623,756, 3,623,757, 3,649,095, 3,680,400, 3,703,861, 3,769,340 and 3,803,582. Registration Nos. 1,481,113, 1,620,794, 1,608,247 and 1,853,871 are incontestable.

4. Since long prior to December 20, 2012, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's RANGERS Marks, including, but not limited to, binders, stickers, bumper stickers, pens, pencils, calendars, organizers, and notepaper; sporting goods and toys; paper goods and printed matter; and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's RANGERS Marks, Opposer has built up highly valuable goodwill in Opposer's RANGERS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On December 20, 2012, Applicant filed the Application for Applicant's RANGERS Mark for "Binders; Blank journals; Book covers; Bumper stickers; Calendars; Day planners; Folders; Notepads; Paper pennants; Pencils; School yearbooks; Stickers; Writing tablets" in International Class 16, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's RANGERS Mark for the goods covered by the Application in United States commerce prior to its constructive first use date of December 20, 2012.

8. The goods covered by the Application are identical and/or closely related to the goods offered in connection with Opposer's RANGERS Marks.

9. The word RANGERS in Applicant's RANGERS Mark is identical to Opposer's RANGERS Marks.

10. The words SANTA ROSA in Applicant's RANGERS Mark are disclaimed as geographically descriptive.

11. Applicant's RANGERS Mark, which contains the identical term RANGERS preceded by the geographic term SANTA ROSA, so resembles Opposer's RANGERS Marks, which often consist of the term RANGERS preceded by a geographic term, as to be likely when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's RANGERS Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's RANGERS Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Scott P. Ceresia (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
November 15, 2013

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Scott P. Ceresia/

Mary L. Kevlin
Richard S. Mandel
Scott P. Ceresia
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 15, 2013, I caused a true and correct copy of the foregoing Notice of Opposition to be served via First Class Mail, postage prepaid, upon Applicant Santa Rosa Academy Inc., 28237 La Piedra Road, Menifee, California 92584, Attn: Laura Badillo, Executive Director/Principal.

/Scott P. Ceresia/
Scott P. Ceresia